

**Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
September 21, 2015**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Jeff Donahue at 7:33 PM followed by the salute to the flag.

**NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

Mayor Donahue read the following statement into the record: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 7, 2015. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

**ROLL CALL**

Mr. Robert Ashbaugh-present, Mr. Tom Bremner- present, Mr. Billy Dawson-present, Ms. Connie Hallman-present, Mr. Phil Kartsonis-present, Mr. Bob Uhrík-present.

Also present: Mayor Jeff Donahue, Borough Clerk Rebecca Newman, Deputy Clerk Christine Witt, Engineer Bill Tanner and Borough Attorney Albert Cruz.

**MAYOR'S COMMENTS**

The Mayor commented that the presentation from the Shade Tree Committee would be moved up on the agenda to before the Engineer's Report.

**APPROVAL OF MINUTES**

**Regular Meeting Minutes – August 17, 2015**

Kartsonis moved to approve the minutes as presented and Bremner seconded the motion. Motion carried on roll call vote.

For: Bremner, Dawson, Kartsonis, Uhrík

Against: None

Abstain: Ashbaugh, Hallman

**Executive Session Minutes – August 17, 2015**

Bremner moved to approve the minutes as presented and Uhrík seconded the motion. Motion carried on roll call vote.

For: Bremner, Dawson, Kartsonis, Uhrík

Against: None

Abstain: Ashbaugh, Hallman

**PUBLIC COMMENT**

The floor was open to public comment, hearing none, the floor was closed.

**STATE POLICE REPORT**

Mr. Kartsonis delivered the July and August reports. Kartsonis moved to accept the reports and Bremner seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Hallman, Kartsonis, Uhrík

Against: None

Abstain: None

**SHADE TREE COMMITTEE REPORT**

Nancy Lucas and Hillary Delaney delivered the report. There is a diseased black oak on Borough property in front of 14 Toth Lane that needs to be removed. The committee received three estimates for having the tree taken down and the stump removed. The estimates were delivered to the clerk.

The committee received a bill for \$500 from the Montgomery Shade Tree Committee for the purchase and planting of trees in Van Horne Park. The bill was submitted to the Deputy Clerk.

The Mayor thanked the committee for installing flower boxes along Washington Street and commented that residents have provided positive feedback.

### **ENGINEER'S REPORT**

Report was distributed and filed in the Borough Clerk's office. Engineer Tanner provided an overview of the report.

#### **Generator Grant**

The kickoff meeting with FEMA for the generator project was held August 27<sup>th</sup>.

#### **Washington Street Sidewalk Contract**

The contractor completed all of the punch list items on September 17<sup>th</sup>. The contractor replaced the areas of sidewalk with spalling concrete. The contractor determined that this was caused by excessive salt and doubled the amount of hardener on the surface to prevent it from happening again.

Received three estimates for work on the Firehouse driveway. The Engineer presented the low bid to Think Pavers to meet or beat, but Think Pavers declined the work. The Engineer will determine if the low bidder has the proper credentials, and if not, the job will go to the second low bidder. This job needs to be coordinated with the Fire Chief, and the CFO must certify the funds.

#### **Construction Projects**

Received two bids for a new ceiling fan in the Elevator Room. The Engineer recommends awarding the work to the low bidder, Polick.

Dawson moved to accept the proposal from Polick for installing a new ceiling fan in the Elevator Room of Borough Hall subject to the first coat of paint being included in the cost and not to exceed \$2,200. Bremner seconded the motion, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Hallman, Kartsonis, Uhrig

Against: None

Abstain: None

#### **County Road Work**

The repair to the road in front of 153 Washington Street is on the County list, but the timeline is indeterminate.

#### **Trees in the Park**

Trees have been marked for removal or pruning. The Engineer recommends cutting the trees down to about seven feet.

#### **Solid Waste Removal Contract**

Not making headway in getting additional trash barrels from Premier. Rather than providing additional barrels, Premier wants residents to put excess garbage in bags. Some new residents have reported not having a barrel upon moving in.

#### **NJDEP Water Restrictions**

Tim Lesko is continuing to search for the valve on the waterline at Washington and Crescent Aves. The leak is believed to be in the 8-inch fire line that serves the Business Park.

Montgomery Avenue Phase III  
Awaiting comments from NJDOT.

Small Contracts: Grass/Snow/Leaf Collection  
Pursuing leaf contract with Branchburg. Reviewing snow removal invoices from last winter.

Playground Weeding & Mulching  
Requesting work crews for October 8<sup>th</sup> and 23<sup>rd</sup>.

Ms. Hallman commented that there are two piles of brush that need to be picked up. Ms. Hallman discussed the County repainting the lines in front of the Firehouse and the Post Office.

Public Comment  
Cliff Moore, Skillman Ave, commented that the hole by the storm drain near the First Aid Squad has not been repaired and is hazardous.

Nancy Lucas, 8 Lemoire Circle, commented that trash was not picked up the last two Saturdays. The Engineer responded that under the contract, the Saturday pickups ended on September 11<sup>th</sup>. Mr. Bremner said he would update the Borough website.

Dawson moved to accept the Engineer's Report, Kartsonis seconded the motion, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Hallman, Kartsonis, Uhrick

Against: None

Abstain: None

#### **CHIEF FINANCIAL OFFICER'S REPORT**

No report.

#### **DEPARTMENTAL REPORTS**

Tax Collector—August 2015

Court Administrator—August 2015

Water/Sewer—August 2015

Hallman moved to accept the reports, Bremner seconded, and motion carried on voice vote.

#### **APPROVAL OF VOUCHERS**

Bill List dated September 21, 2015 was presented for approval. Hallman moved to approve all vouchers except 8586 and 8611. Motion seconded by Bremner. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Hallman, Kartsonis, Uhrick

Against: None

Abstain: None

Bremner moved to approve voucher 8611, Hallman seconded, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Hallman, Kartsonis, Uhrick

Against: None

Abstain: Dawson

Ashbaugh moved to approve voucher 8586, Hallman seconded, and motion carried on roll call vote.

For: Ashbaugh, Dawson, Hallman, Kartsonis, Uhrick

Against: None

Abstain: Bremner

## **COMMITTEE REPORTS**

**Administration & Records** – T. Bremner. A final IT proposal is forthcoming.

**Buildings & Grounds** – B. Dawson. Two dehumidifiers were purchased. The Nursery School voiced concerns about the weeds around the building. The lights in Panicaro Park were fixed. Hillary and Trey Delaney have volunteered to do some landscaping for the Borough. Looking into getting mulch for the playground. Installed new nets on the basketball hoops. Need to determine if the Nursery School lease is expiring.

**Finance & Insurance** – R. Ashbaugh. Mr. Ashbaugh reported that one of the joint insurance funds he has been researching, the Suburban JIF, has a non-refundable \$1,000 application fee. Two insurance brokers are soliciting quotes for next year. The CFO will be providing expenditure/revenue reports to compare against the budget.

**Public Safety & Emergency Services** – P. Kartsonis. Mr. Kartsonis reported that the Princeton Packet is no longer being delivered to non-subscribing households. He has requested the South Bound Brook police to patrol a larger area of the Borough with more frequency. Parking at the post office has improved.

**Streets & Roads** – C. Hallman. Ms. Hallman asked the Mayor for an update on the bridge closing over the D&R Canal. The project has been pushed back as the project has not gone out to bid.

**Water, Sewer & Environmental Protection** – B. Uhrik. The electronics' recycling day is scheduled for October 3<sup>rd</sup> from 9-12 in the Borough Hall parking lot.

**Council Representative to Planning Board** – The Planning Board heard a minor application for demolition at 38 Washington Street. The Planning Board determined that the applicant should have filed a major application, which has a notice requirement, and the application is being carried over to the October meeting.

**Council Liaison to Recreation Committee** – There will be an archives celebration weekend in conjunction with the Somerset County Journey through the Past October 10<sup>th</sup> and 11<sup>th</sup>.

**Council Representative to Board of Health** – B. Uhrik. The flu clinic will be held the morning of October 20<sup>th</sup> from 10-12 in the courtroom.

**Zoning Official's Report** – A letter was sent to the resident of 98 Washington Street asking for remediation of the property. The resident has since met with the Zoning Office to discuss building improvements.

**Grants Committee** – T. Bremner. Expecting notification on grant applications in October. A historic marker will be going up in front of Borough Hall and paid for with grant funds.

## **SPECIAL BUSINESS**

**Resolution 2015-66: A Chapter 159 Resolution Authorizing the Insertion of \$75,000 into the Municipal Budget from the Hazard Mitigation Grant**

Hallman moved to approve the resolution and Bremner seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Hallman, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

**Resolution 2015-67: Authorizing the Mayor and Clerk to Sign an Amendment to the Municipal Shared Services Defense Agreement ("MSSDA")**

Bremner moved to approve the resolution and Uhrik seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Hallman, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

## **UNFINISHED BUSINESS**

**Resolution 2015-68: Authorizing the Mayor and Clerk to Sign an Agreement with Accela for an Agenda Management Software Service**

Uhrik moved to approve the resolution and Bremner seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Hallman, Dawson, Kartsonis, Uhrik

Against: None  
Abstain: None

**Discussion Regarding Audits from the Rocky Hill Hook and Ladder and Rocky Hill First Aid Squad**  
Mr. Kartsonis reported that the Fire Department audit has been provided and that the preliminary audit from the First Aid Squad is expected by September 30<sup>th</sup>. The Council discussed who is responsible to pay for the audits considering that the Borough has made substantial contributions to the organizations and that the audits are expensive. The Council needs to plan how regularly they will require audits in the future.

#### **NEW BUSINESS**

##### **Discussion of Property Tax Lots**

The Planning Board learned that several properties in the Borough consist of two lots that receive separate tax bills. The empty lots adjacent to an owner's main property may have been considered buildable land by the Council on Affordable Housing although many are nonconforming and therefore not buildable. Attorney Cruz advised that any contiguous, nonconforming lots under the same ownership may be combined under the Doctrine of Merger which provides unity of title. Attorney Cruz suggested that the Zoning Officer determine which properties have second nonconforming lots, notify the Tax Assessor, who may then send a letter to the owners. The owners may then decide if they would like their properties merged. This does not apply to buildable contiguous lots.

#### **COMMUNICATIONS**

Communications as listed, were distributed, disseminated and filed accordingly.

#### **PUBLIC COMMENT**

The floor was open to public comment, hearing none, the floor was immediately closed.

#### **ADJOURNMENT**

Motion was made by Bremner with a second by Dawson to adjourn the meeting at 9:52 PM. Motion carried on voice vote.

Respectfully submitted:  
Christine Witt  
Deputy Borough

September 21, 2015

List of Bills - (0110101001) CASH  
CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
8584	8 - DIV OF ALCOHOLIC BEVERAGE CONTROL	PO 5500 2 Liquor License Renewals	6.00	6.00
8585	12 - ARC OF SOMERSET COUNTY	PO 5532 Borough Hall cleaning	100.00	100.00
8586	589 - BILLY DAWSON	PO 5525 Buildings & Grounds supplies	249.41	249.41
8587	39 - CENTRAL JERSEY SECURITY	PO 5521 Q4 2015 Alarm Monitoring	93.00	93.00
8588	547 - Comcast	PO 5507 Phone and Internet	254.01	254.01
8589	578 - County of Somerset- Open Space Tax	PO 5449 2nd t Half County Open Space Taxes	9,305.13	9,305.13
8590	71 - DIFRANCESCO BATEMAN PC	PO 5530 Legal services August 2015	2,655.93	2,655.93
8591	83 - G & T Landscaping Inc	PO 5297 Lawn Service 2015 Reso 2015-42	840.00	840.00
8592	591 - HOME DEPOT CREDIT SERVICES	PO 5508 Dehumidifiers for basement	538.00	538.00
8593	122 - KENCOR INC	PO 5510 Bi-Monthly Elevator service	75.00	75.00
8594	155 - MGL FORMS-SYSTEMS	PO 5513 Paper for tax collector	57.00	57.00
8595	173 - N J League of Municipalities	PO 5499 NJLM Conference Registration	220.00	220.00
8596	552 - Office Business Systems, Inc.	PO 5516 FTR Recording System Maintenance Agr	850.00	850.00
8597	594 - PREMIER DISPOSAL	PO 5503 Garbage service August 2015	3,741.08	3,741.08
8598	210 - PSE&G	PO 5509 Panicaro Park electric	10.54	10.54
8599	210 - PSE&G	PO 5518 Municipal Building electric	376.51	376.51
8600	210 - PSE&G	PO 5519 Crescent Point Park electric	4.99	4.99
8601	408 - RAYMOND J. STINE ESQ.	PO 5522 Municipal prosecutor	1,000.00	1,000.00
8602	354 - RICOH USA, INC.	PO 5505 Copy machine rental	109.73	109.73
8603	430 - SHERATON ATLANTIC CITY	PO 5501 Hotel for League Conference 2015	847.00	847.00
8604	593 - SOMERSET COUNTY ELECTRIC	PO 5524 Panicaro Park Flag Pole lights	570.00	570.00
8605	247 - SOMERSET COUNTY TREASURER	PO 5447 2nd Half County Taxes	98,939.37	98,939.37
8606	247 - SOMERSET COUNTY TREASURER	PO 5502 Emergency Vehicle signs	20.00	20.00
8607	247 - SOMERSET COUNTY TREASURER	PO 5523 County Household Recycling Q2 2015	1,747.01	1,747.01
8608	247 - SOMERSET COUNTY TREASURER	PO 5533 Pavement Digout and Repaving at 60	3,392.99	3,392.99
8609	577 - Somerset County Treasurer- Library	PO 5448 2nd half County Library Taxes	14,757.25	14,757.25
8610	455 - TAMARA LEE PP	PO 5506 PB Planner Service: 38 Washington S	761.25	761.25
8611	471 - THOMAS BREMNER	PO 5514 Grant writing training, umbrella fo	144.98	144.98
8612	286 - VAN CLEEF ENGINEERING	PO 5496 Engineering services	6,576.75	6,576.75
8613	286 - VAN CLEEF ENGINEERING	PO 5531 Engineering services	8,224.73	8,224.73
8614	530 - WOOLSON SUTPHEN ANDERSON	PO 5526 Planning Board Legal Services	348.00	348.00
8615	597 - aiaTranslations LLC	PO 5517 Court Expense: Mandarin Interpreter	450.00	450.00

TOTAL

157,265.66

Total to be paid from Fund 01 CURRENT FUND

157,265.66

157,265.66

September 21, 2015  
List of Bills - (0810101001) CASH  
UTILITY OPERATING

Check#	Vendor	Description	Payment	Check Total
7045	415 - AQUA PRO TECH LABS	PO 5511 Water Dept. Testing	13.00	13.00
7046	553 - Brian Fusco	PO 5527 Water Dept. mark out curb boxeson M	60.00	60.00
7047	321 - MIRACLE CHEMICAL CO	PO 5515 Water Dept. chemicals	45.30	45.30
7048	163 - MONTGOMERY TOWNSHIP	PO 5497 2015 Sewer Fee per agreement	50,750.00	50,750.00
7049	450 - ONE CALL CONCEPTS INC	PO 5512 August One Calls	9.92	9.92
7050	204 - PITNEY BOWES	PO 5529 Postage Machine Rental	29.00	29.00
7051	210 - PSE&G	PO 5520 Water Dept. electric	1,721.25	1,721.25
7052	259 - NEW JERSEY STATE TREASURER	PO 5498 Catastrophic illness fund 12/2014	24.00	24.00
7053	311 - TIM LESKO	PO 5528 Water Dept. mark out curb boxeson M	60.00	60.00
7054	Venzon	5495 Phone	36.78	
	TOTAL			52,712.47

Total to be paid from Fund 08 UTILITY OPERATING

52,712.47

52,712.47

List of Bills - (1926005) INTERFUND - DUE CURRENT  
TRUST OTHER

Check#	Vendor	Description	Payment	Check Total
8580	60 - COURIER NEWS	PO 5504 Legal Advertising: 38 Wash. Reso	14.96	14.96
8581	455 - TAMARA LEE PP	PO 5506 PB Planner Service: 38 Washington S	131.25	131.25
8582	286 - VAN CLEEF ENGINEERING	PO 5496 Engineering services	133.00	133.00
8583	530 - WOOLSON SUTPHEN ANDERSON	PO 5526 Planning Board Legal Services	1,364.00	1,364.00
	TOTAL			1,643.21

Total to be paid from Fund 19 TRUST OTHER

1,643.21

1,643.21

**List of Bills - (0810101001) CASH  
UTILITY OPERATING**

Check#	Vendor	Description	Payment	Check Total
7054	289 - VERIZON	PO 5495 Water dept phone	30.78	30.78
	TOTAL			----- 30.78
Total to be paid from Fund 08 UTILITY OPERATING			30.78	
			=====	
			30.78	



**BOROUGH OF ROCKY HILL  
COUNTY OF SOMERSET**

**RESOLUTION 2015-66**

**Providing for the Insertion of a Special Item of Revenue in the 2015 Budget  
Pursuant to N.J.S. 40A:4-87 (Chapter 159, P. L. 1948)**

**WHEREAS**, N. J. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

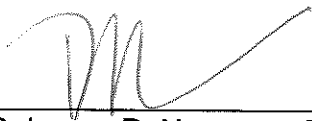
**NOW, THEREFORE BE IT RESOLVED** on this 21<sup>st</sup> of September, 2015, that the Borough of Rocky Hill hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$ 75,000.00 which item is now available as an additional revenue for Rocky Hill Borough from the State of NJ-Division of State Police

**BE IT FURTHER RESOLVED** that a like sum of \$ 75,000 and the same is hereby appropriated under the caption of:

State of NJ – Hazard Mitigation Grant

Adopted: September 21, 2015

Attest:

  
\_\_\_\_\_  
Rebecca P. Newman, RMC  
Borough Clerk

  
\_\_\_\_\_  
Jeff Donahue, Mayor

## Resolution 2015-67

### AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

This Amendment to the Municipal Shared Services Defense Agreement ("MSSDA") previously entered into in by the Members of the MSSDA in or after June, 2015,

WHEREAS several municipalities have previously entered into a MSSDA authorizing the retention of Rutgers University and its Principal Investigator, Dr. Robert Burchell to perform certain tasks as outlined therein, including, without limitation, the development of a reasonable position consistent with applicable law as the means by which the fair share of municipalities may be determined; and

WHEREAS, Dr. Burchell had a serious health event on or about July 27, 2015 that has impeded the goal of the MG to obtain such a report; and

WHEREAS, more specifically, Rutgers University (hereinafter "Rutgers") has indicated that Dr. Burchell is the only one at the University that could perform the work contemplated by the contract between the Municipal Group ("MG") and Rutgers, dated July 2015 (hereinafter "Rutgers Agreement"); and

WHEREAS, as result of the foregoing, Rutgers is not able to complete the work required by the Rutgers Agreement; and

WHEREAS, on September 11, 2015, Rutgers sent the representative of the MG a letter terminating the Rutgers Agreement; and

WHEREAS, even before receipt of the termination letter, vigorous efforts have been made to find an expert that can perform the services that Rutgers is no longer able to provide; and

WHEREAS, it has been determined that Econsult Solutions, Inc. ("Econsult") has the interest and capability to perform the services as expeditiously as possible; and

WHEREAS, it has been further determined that the MSSDA, as presently written, does not permit the MG to enter into an agreement with any other expert than Rutgers; and

WHEREAS, because of the foregoing, it has been determined that an amendment to the MSSDA is necessary to empower the MG to enter into an agreement with Econsult.

Now, therefore, in consideration of the mutual benefits that will be derived, the Members of the MG hereby agree as follows:

1. Section 1 of the MSSDA, titled "Purpose" is hereby amended as follows:

Section 1(b)-(d) shall be replaced with:

(b) collectively retain such experts and/or consultants, including but not limited to Econsult Solutions, Inc. as may be necessary,

(c) collectively work with experts or consultants that have been retained, including but not limited to Econsult, to conduct an analysis and report of the housing need for each region and the allocation of that need to the individual municipalities in the region;

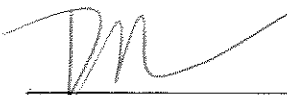
(d) may elect, at the exclusive expense of any Member or group of Members, to rely upon and present such experts or consultants as a witness in the Litigation, including for any mediation, Alternative Dispute Resolution or other proceeding involving a determination of a Member's Affordable Housing Obligation;

2. Section 3 of the MMSDA titled "Retention of Burchell" is hereby amended and is titled as "Retention of Experts and/or Consultants." This section is amended to provide that the administrators of the MMSDA, shall retain such experts and/or consultants, including but not limited to Econsult, as may be necessary and to communicate with such experts and/or consultants in the method and manner as set forth.
3. Section 5, titled "Shared Costs" is hereby amended to provide that shared costs shall include payment to any expert or consultant, including but not limited to Econsult, and such other professionals, and/or common counsel, as shall be agreed upon by the Members in accordance with the terms and procedures of the MSSDA.
4. Section 6, titled "Expenses Not Covered by This Agreement" shall be amended to allow any member or group of Members of the MMSDA to retain Econsult or any other commonly retained expert and/or consultant for the purposes as set forth in the MSSDA; however, it shall be in accordance with the rate schedule as set forth in any agreement between the MSSDA and such expert and/or consultant; it shall not be based upon the rates as set forth for Dr. Burchell nor shall payment be made to Rutgers except to the extent that representatives of the MG may pay the remainder of the 70,000 in expense allocated for the provision of a final report in accordance with the underlying agreement and/or for the purposes of securing rights to information that otherwise would not be available. Any amounts in excess of the \$70,000 that may be needed to secure the right to use the underlying data that Rutgers has assembled may only be paid if authorized at a meeting held in accordance with paragraph 2 of the underlying agreement.
5. Section 7, titled "Liaison Counselor Committee" is hereby amended to allow Jeffrey R. Surenian, Esq. to pay an administrative assistant to administer this MSSDA and the consortium at a rate not to exceed \$70 per hour and to pay out of pocket expenses.

6. Section 11, titled "Common Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
7. Section 15, titled "Conflict of Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
8. Section 16, titled "Effective Date" is amended removing the reference to "Rutgers" and replacing it with "such experts and/or consultants, including but not limited to Econsult, that have been retained by the MSSDA
9. Section 17, titled "Subsequent Agreement" , shall be amended to include paragraph 17 c as follows: Since the Agreement between Econsult and the MG may not have been finalized at the point of execution of this amendment, the designated attorney for the municipality shall have 10 business days from receipt of the Econsult Agreement by electronic mail to withdraw from the consortium and secure a rebate of the 2,000 paid minus the pro rata share of all costs and expenses incurred to the date of such withdrawal.
10. All other provisions in the MSSDA that refer to or may be interpreted to relate or refer to dealings with Rutgers or Burchell are removed and amended to provide that the MSSDA permits the retaining of such experts and/or consultants, including but not limited to Econsult, as may be agreed upon by the Members in accordance with the terms and provisions of the MSSDA. All other terms and provisions remain unchanged and in effect.

IN WITNESS WHEREOF, the Members hereto, which may be by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the company or entity on whose behalf it is indicated that the person is signing.

ATTEST:

  
\_\_\_\_\_  
Rebecca Newman, Clerk

By:  \_\_\_\_\_  
Mayor

BOROUGH OF ROCKY HILL

RESOLUTION NO. 2015- 07

WHEREAS, the Borough of Rocky Hill entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment Action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers, The State University of New Jersey, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers, The State University of New Jersey, exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Borough recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough hereby determines that it is in the best interests of the citizens of the Borough of Rocky Hill to approve the Amendment and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the Borough with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Rocky Hill, County of Hunterdon and State of New Jersey, as follows:

1. The terms and conditions of the Amendment to the MSSDA attached hereto are hereby approved and/or ratified and confirmed.
2. The Borough Mayor and Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough with Econsult Solutions, Inc.
4. The Borough Council hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough, with the approval of the Borough's designated counsel, such agreement(s) as are necessary to effectuate the MSSDA as amended.
5. The Borough Council further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Borough with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided the action will not require the Borough to appropriate and commit any additional funding for the MSSDA.
6. In the event such changes and actions require the Borough to appropriate and commit any additional funding for the MSSDA, the Borough shall only be responsible for such funding if it authorizes same.
7. This Resolution shall take effect immediately.

ATTEST:

By: \_\_\_\_\_

Rebecca Newman, Clerk

By: \_\_\_\_\_

Jeff Donahue, Mayor

CERTIFICATION

I, Rebecca Newman, Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on September 21, 2015.

\_\_\_\_\_  
Rebecca Newman, Clerk

BOROUGH OF ROCKY HILL  
COUNTY OF SOMERSET

RESOLUTION 2015-68

WHEREAS, Clerk Rebecca Newman has expressed a desire to obtain a meeting management software; and

WHEREAS, Accela has a government meeting management system that will electronically organize all agendas, resolutions, ordinances and minutes; and

WHEREAS, the Planning Board can also utilize this software; and

WHEREAS, this software will allow the Council members to receive the agendas electronically, eventually eliminating all paper agendas; and


WHEREAS, Accela has offered this software at a cost of \$225.00 monthly.

NOW BE IT RESOLVED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset as follows:

1. That the Mayor and Clerk are authorized to sign the agreement with Accela for \$225.00 per month for a period of October 1, 2015- October 1, 2106.
2. That there are sufficient funds in the Borough of Rocky Hill budget for this contract as certified by the Chief Financial Officer.
3. This resolution shall take affect immediately.

Adopted: 9/21/15

ATTEST:



Rebecca Newman, RMC  
Borough Clerk



Jeff Donahue, Mayor

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from:\_\_\_\_\_.

\_\_\_\_\_  
Joseph P. Monzo, Chief Financial Officer



**CERTIFICATION**

I, Rebecca P. Newman, Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on September 21, 2015.

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Rebecca P. Newman  
Borough Clerk